

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

CENTRAL DIVISION

JAMES J. SANDLER, Individually and as
Trustee of the TOWN PAINT & SUPPLY CO.,
INC. 401(k)/PROFIT SHARING PLAN, and
TOWN PAINT & SUPPLY CO., INC.,

Plaintiffs,

v.

CIPC SYSTEMS, INC. and
RICHARD A. PERRY,

Defendants.

Civ. No. 05-40073

**JOINT MOTION TO POSTPONE STATUS CONFERENCE AND
TO STAY EXPERT DISCOVERY PENDING MEDIATION**

Plaintiffs James J. Sandler, individually and as trustee of Town Paint & Supply Co., Inc. 401(k)/Profit Sharing Plan and Town Paint & Supply Co., Inc. (collectively "Plaintiffs") and CIPC Systems, Inc. and Richard A Perry (collectively "Defendants") hereby move to postpone the status conference currently scheduled for June 6, 2006 and to stay expert discovery in this matter pending mediation.

1. As of June 1, 2007, fact discovery in this matter has been completed. At the close of discovery, the parties have agreed to mediate this matter. Although a firm mediation date has not yet been set, mediation will take place by the end of July, 2007.

2. By Order of this Court, a status conference is currently scheduled for Wednesday, June 6, 2007. Additionally, the parties are required to conduct expert discovery over the ensuing

three months. The Scheduling Order requires the parties to complete expert discovery by September 15, 2007.

4. Given the pending mediation and in an effort to reduce litigation costs of the within action, the parties request that the Court postpone the status conference currently scheduled for June 6, 2007, until September, 2007 and additionally request that the Court grant a three-month stay of expert discovery. The current and proposed expert discovery deadlines are as follows:

| Event | Current Deadline | Proposed Deadline |
|---|-------------------------|--------------------------|
| Plaintiff's identification of experts and disclosure of information pursuant to Fed. R. Civ. P. 26(a)(2). | July 1, 2007 | October 1, 2007 |
| Plaintiff's trial expert(s) must be deposed. | July 31, 2007 | October 31, 2007 |
| Defendant's identification of expert(s) and disclosure of information pursuant to Fed. R. Civ. P. 26(a)(2). | August 15, 2007 | November 15, 2007 |
| Defendant's trial expert(s) must be deposed. | September 15, 2007 | December 15, 2007 |

WHEREFORE, Plaintiffs James J. Sandler, individually and as trustee of Town Paint & Supply Co., Inc. 401(k)/Profit Sharing Plan and Town Paint & Supply Co., Inc. and CIPC Systems, Inc. and Richard A Perry hereby respectfully request that this Court grant the within motion postponing the status conference currently scheduled for June 6, 2006 and staying expert discovery in this matter for a period of three months.

Respectfully submitted,

JAMES J. SANDLER, Individually and as
Trustee of the TOWN PAINT & SUPPLY
CO., INC. 401(k)/PROFIT SHARING
PLAN, and TOWN PAINT & SUPPLY
CO., INC.,

By their attorneys,

/s/Anthony B. Fioravanti

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CIPC SYSTEMS, INC. and RICHARD A>
PERRY,

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Certificate of Service

I, Anthony B. Fioravanti, hereby certify that a true copy of the above document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants on June 1, 2006.

/s/Anthony B. Fioravanti
